

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3

4 YESENIA GUITRON; and JUDI KLOSEK,

No. C 10-3461 CW

5 Plaintiffs,

ORDER GRANTING IN
PART DEFENDANTS'
EX PARTE MOTION TO
STRIKE, SETTING
BRIEFING SCHEDULE,
CONTINUING MOTION
HEARING AND CASE
MANAGEMENT
CONFERENCE AND
VACATING PRETRIAL
AND TRIAL DATES
(Docket No. 111)

6 v.

7 WELLS FARGO BANK, N.A.; WELLS
FARGO & CO.; PAM RUBIO; and DOES
8 1-20,

9 Defendants.

10 _____ /
11
12 Defendants Wells Fargo Bank, N.A., Wells Fargo & Co. and Pam
13 Rubio seek to strike certain documents filed by Plaintiffs Yesenia
14 Guitron and Judi Klosek on December 22, 2011.
15

16 Pursuant to the Court's Order of November 17, 2011,
17 Defendants' reply to Plaintiffs' response to their motion for
18 summary judgment was due by December 15, 2011. Defendants filed
19 their reply by that deadline. A week later, on December 22, 2011,
20 Plaintiffs filed, among other things, a Notice of Errata, an
21 Amended Response in opposition to Defendants' Motion for Summary
22 Judgment and supplemental exhibits in support of their amended
23 response.
24

25 Plaintiffs did not seek or obtain leave of the Court prior to
26 filing these additional documents. See Civil Local Rule 7-3(d)
27 ("Once a reply is filed, no additional memoranda, papers or
28

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1 letters may be filed without prior Court approval" unless new
2 evidence was submitted in the reply or a relevant new judicial
3 opinion is published). Further, Exhibit A to the notice of
4 errata, which purports to show the changes between Plaintiffs'
5 original and amended responses, does not accurately reflect these
6 changes.

7 Accordingly, the Court GRANTS in part Defendants' motion to
8 strike (Docket No. 111) and STRIKES Plaintiffs' Notice of Errata
9 (Docket No. 106). Plaintiffs are granted leave to file an amended
10 Notice of Errata containing a corrected version of Exhibit A
11 within two days of the date of this Order. Defendants may file a
12 supplementary reply to Plaintiffs' amended opposition within five
13 days thereafter. Defendants' supplementary reply shall not exceed
14 seven pages and shall only contain arguments that Defendants could
15 not have made prior to filing their original reply.

16
17 The hearing on Defendants' motion for summary judgment and
18 motion to sever and the case management conference, currently set
19 for January 5, 2012 at 2:00 p.m., are hereby CONTINUED to January
20 19, 2012 at 2:00 p.m. The pretrial and trial dates are hereby
21 VACATED and shall be reset at the case management conference.

22
23 IT IS SO ORDERED.

24
25 Dated: 1/3/2012


CLAUDIA WILKEN
United States District Judge